

counsels in cases of safeguarding the freedom of religious belief.

Respectively in 2006 and 2008, the Beijing Municipal Bureau of Justice intentionally fabricated complications in the annual inspection and registration of my attorney's license. On July 9, 2009, the Beijing Municipal Bureau of Justice announced that my attorney's license was revoked. We [human rights legal defenders] are often stalked, harassed and threatened by the secret police from Domestic Defense Protection Squad. On special occasions or when foreign leaders visit China, we are often forbidden to leave our residences. For example, when President Obama visits China next month, I will be forced to stay at home. My family members are also often harassed and people from the Bureau of Justice often come to talk with us and forbid me to get involved in some cases. Because our landlords can't endure the pressure from the secret police, they refuse to renew our leases, and therefore we often are forced to move out.

Because we handle cases involving religious belief, Li Heping, Li Xiongbing, Wang Yajun, Tang Jitian, Liu Wei, Wen Haibo, Xie Yiming, Wei Liangyue, Zhang Xingshui, other attorneys and I have still not passed the so-called "annual inspection." Therefore, there is no way we can continue to work as attorneys at this time.

However, legal professionals, including attorneys, members of house churches and other religious believers, have not abandoned their rights in face of the crackdown. The civil society in China is growing and will become more mature. I think all of you present here today should keep your confidence in this. We also need the attention and support from all of you present here today, and the U.S. government.

I propose the following:

1. We recommend that you pay more attention and give more support to the non-governmental forces in China, such as the US State Department's International Visitor Leadership Program, so that more human rights attorneys can participate in the program;

2. We recommend President Obama and other government officials meet with human rights defenders and attend gatherings of house churches during their visit to China;

3. We recommend President Obama can talk with President Hu Jintao and Premier Wen Jiabao and restore the freedom of Liu Xiaobo, Chen Guangcheng, Hu Jia, Guo Feixiong and Guo Quan. We also hope that with President Obama's visit, we will be able to know the whereabouts of Attorney Gao Zhisheng;

4. We recommend officials in the U.S. Embassy in China make contact with human rights defenders and dissidents more often and more widely, and invite them to attend some activities held at the embassy.

Thank you!

A TESTIMONY ON THE CURRENT STATUS OF CHINA'S LAW ON RELIGIOUS FREEDOM

(By Mr. Zhang Kai)

As a human rights attorney in China, I am hereby making this statement concerning the current status of its law on religious freedom as well as some suggestions based on cases related to house churches affairs and their human rights advocacy in recent years.

Over the past few years, a large number of Chinese people have been seeking faith and have become Christians. However, they are often unable to enact their everyday religious spiritual life under the law. Christian churches in China consist not only of the officially recognized TSPM churches, but also house churches organized by the believers themselves. The development of house churches was a result of the Christian belief

that Christ, rather than the government, should be the leader of the church. Because of the theological differences between the TSPM and the house churches, many Christians prefer to have religious gatherings with their relatives and families at their own homes.

However, members of these house churches are often interrupted, harassed and pressured by the government during religious services while meeting in their homes, with some believers administratively detained, reeducated through labor, and even criminally punished.

I. ILLEGAL INTERVENTION IN CHRISTIAN BELIEF MAINLY INCLUDES THE FOLLOWING ASPECTS

1. Banning house churches on grounds of being "cults."

In 2000, the Ministry of Public Security issued The Ministry of Public Security Circular Concerning a Few Questions About Identifying and Banning Cult Organizations. In this regulation, the following are confirmed: there are seven types of cult organizations clearly defined in the documents by the General Office of the CPC Central Committee and the General Office of the State Council, and there are seven types of cult organizations identified and confirmed by the Ministry of Public Security, totaling fourteen types of cults. However, of these fourteen cults, eleven are related to Christianity—including the Shouters, the Disciple Union, and the Total Scope Church. Since this regulation runs directly counter to the basic principle of the modern rule of law concerning the separation of the government and religion, it has further led to the direct crackdown on a large number of house churches composed of bona fide Christians, tried or labeled as cults, in the course of law enforcement.

In accordance with Item 1 of Article 27 of the Security Administration Punishment Act currently in effect, anyone would be subject to administrative detention or fines (I) for organizing, abetting, intimidating, seducing and defrauding, or instigating other people into practicing cults or superstitious activities or for using cults or superstitious activities to disrupt security and order, and to harm the health of other people; (II) for conducting activities under the pretext of religion or Qigong, to disrupt security and order or harm the health of other people. This article has led to the confiscation and damages of the large amounts of church assets as well as the detention or reeducation through labor of believers.

2. Punishment on grounds of conducting cross-regional preaching.

In some local regulations, believers are prohibited from cross-regional preaching. However, one of the characteristics of Christianity, as a religion, is that Christians preach wherever they go and spread the Gospel to every corner of the world. In the Provisional Regulations on the Management of Religious Activities in Xinjiang Uyghur Autonomous Region, it is clearly set forth: "Professional religious people shall not conduct cross-region, prefecture, city or county preaching without approval from the religious affairs bureaus of the government." In one place in Xinjiang, a believer, who went to another church, had barely read one sentence from the Bible when he/she was removed from the position in the church by the Religious Affairs Bureau. In some places, violators of this law are directly given administrative detention and even reeducation through labor.

3. Banning on grounds that they are not registered.

At present, the regulations on religious affairs require that the establishment, change, or cancellation of religious organizations be

registered in accordance with Regulations on Management of Registration of Social Organizations. However, house churches are unable to register independently. As a result, they are banned by local governments or the Public Security as illegal congregations or on grounds that they were not registered.

4. Intervening at will in the religious activities of believers.

According to the surveys conducted in some cities in southern Xinjiang this year, the government religious affairs departments (i.e., Ethnic and Religious Affairs Commissions) of Wensu, Baicheng, and the Aksu area, appointed or removed at will clergymen at the house churches and restricted the normal religious activities such as "breaking of bread" and baptism, without going through democratic elections by believers. Even the programs celebrating Christmas by believers must all be reviewed and approved by the religious affairs departments. Some religious venues were illegally shut down without following any legal procedures.

5. Suspected intention of insulting Christians.

In 2008, the People's Government of Wensu Town even issued a plaque of "Peaceful Mosque" to the Christian Church in Wensu. This action, by blurring the Christian and Muslim faiths, caused a widespread revulsion toward Christians, and may provoke the conflict among peoples of different religions in the future.

6. Large numbers of facts show that administrative penalty rulings are not issued and that fines were imposed without legal and official tickets.

For example, Li Enfu, a citizen in the Wushi area who has believed in Christianity ever since he was a child, had been appraised as an "Excellent Self-employed Individual" several times, even though he is handicapped. Yet, just because he had participated in religious activities, Li Enfu was fined repeatedly. In 2002, this citizen was fined 4,000 yuan and actually paid 2,000 yuan, just because he took a Christian calendar from the Wensu church and this calendar was an official publication of the government. In 2006, he was fined 8,500 yuan for attending a Christian gathering held at his own home. And in March 2009, Huang Ming and Li Enfu were fined a total of 3,000 yuan for holding the gathering and leading the prayers.

7. Punishing Uyghur ethnic minorities in Xinjiang for believing in Christianity.

In the Xinjiang region, it is especially difficult for the Uyghur people who believe in Christianity. They basically operate underground. In southern Xinjiang, there are about one hundred Uyghur Christians. They can only hold completely secret gatherings in groups of two or three people. Last year, their leader, Wusiman, was reeducated through labor, and co-leader Alimujiang was criminally punished.

II. COMMENTS ON THE INEFFECTIVENESS OF LEGAL RELIEF CONCERNING CHRISTIAN BELIEF

When lawyers involved in these kinds of cases provide legal services for believers, they often experience tremendous obstruction. For example, the courts refuse to take the cases; when they do take cases, they don't hold hearings; and when they hold hearings, they do not give rulings.

It is extremely difficult to file relevant cases with the courts, which do not go through any standard legal proceedings. According to Chinese law, if a case cannot be established, there should be a ruling that the case is not established. And based on that ruling, the party concerned has the right to appeal. However, very often, these courts neither process the filing of these cases, nor give any rulings. This year, in the Hanzhong